

1 AN ACT concerning counties.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing  
5 Section 4-5001 as follows:

6 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

7 Sec. 4-5001. Sheriffs; counties of first and second  
8 class. The fees of sheriffs in counties of the first and  
9 second class, except when increased by county ordinance under  
10 this Section, shall be as follows:

11 For serving or attempting to serve summons on each  
12 defendant in each county, \$10.

13 For serving or attempting to serve an order or judgment  
14 granting injunctional relief in each county, \$10.

15 For serving or attempting to serve each garnishee in each  
16 county, \$10.

17 For serving or attempting to serve an order for replevin  
18 in each county, \$10.

19 For serving or attempting to serve an order for  
20 attachment on each defendant in each county, \$10.

21 For serving or attempting to serve a warrant of arrest,  
22 \$8, to be paid upon conviction.

23 For returning a defendant from outside the State of  
24 Illinois, upon conviction, the court shall assess, as court  
25 costs, the cost of returning a defendant to the jurisdiction.

26 For taking special bail, \$1 in each county.

27 For serving or attempting to serve a subpoena on each  
28 witness, in each county, \$10.

29 For advertising property for sale, \$5.

30 For returning each process, in each county, \$5.

31 Mileage for each mile of necessary travel to serve any

1 such process as Stated above, calculating from the place of  
2 holding court to the place of residence of the defendant, or  
3 witness, 50¢ each way.

4 For summoning each juror, \$3 with 30¢ mileage each way in  
5 all counties.

6 For serving or attempting to serve notice of judgments or  
7 levying to enforce a judgment, \$3 with 50¢ mileage each way  
8 in all counties.

9 For taking possession of and removing property levied on,  
10 the officer shall be allowed to tax the actual cost of such  
11 possession or removal.

12 For feeding each prisoner, such compensation to cover the  
13 actual cost as may be fixed by the county board, but such  
14 compensation shall not be considered a part of the fees of  
15 the office.

16 For attending before a court with prisoner, on an order  
17 for habeas corpus, in each county, \$10 per day.

18 For attending before a court with a prisoner in any  
19 criminal proceeding, in each county, \$10 per day.

20 For each mile of necessary travel in taking such prisoner  
21 before the court as Stated above, 15¢ a mile each way.

22 For serving or attempting to serve an order or judgment  
23 for the possession of real estate in an action of ejectment  
24 or in any other action, or for restitution in an action of  
25 forcible entry and detainer without aid, \$10 and when aid is  
26 necessary, the sheriff shall be allowed to tax in addition  
27 the actual costs thereof, and for each mile of necessary  
28 travel, 50¢ each way.

29 For executing and acknowledging a deed of sale of real  
30 estate, in counties of first class, \$4; second class, \$4.

31 For preparing, executing and acknowledging a deed on  
32 redemption from a court sale of real estate in counties of  
33 first class, \$5; second class, \$5.

34 For making certificates of sale, and making and filing

1 duplicate, in counties of first class, \$3; in counties of the  
2 second class, \$3.

3 For making certificate of redemption, \$3.

4 For certificate of levy and filing, \$3, and the fee for  
5 recording shall be advanced by the judgment creditor and  
6 charged as costs.

7 For taking all bonds on legal process, civil and  
8 criminal, in counties of first class, \$1; in second class,  
9 \$1.

10 For executing copies in criminal cases, \$4 and mileage  
11 for each mile of necessary travel, 20¢ each way.

12 For executing requisitions from other States, \$5.

13 For committing each prisoner to jail, \$10.

14 For discharging each prisoner from jail, \$10.

15 For conveying each prisoner from the prisoner's own  
16 county to the jail of another county, or from another county  
17 to the jail of the prisoner's county, per mile, for going,  
18 only, 30¢.

19 For conveying persons to the penitentiary, reformatories,  
20 Illinois State Training School for Boys, Illinois State  
21 Training School for Girls and Reception Centers, the  
22 following fees, payable out of the State Treasury. For each  
23 person who is conveyed, 35¢ per mile in going only to the  
24 penitentiary, reformatory, Illinois State Training School for  
25 Boys, Illinois State Training School for Girls and Reception  
26 Centers, from the place of conviction.

27 The fees provided for transporting persons to the  
28 penitentiary, reformatories, Illinois State Training School  
29 for Boys, Illinois State Training School for Girls and  
30 Reception Centers shall be paid for each trip so made.  
31 Mileage as used in this Section means the shortest practical  
32 route, between the place from which the person is to be  
33 transported, to the penitentiary, reformatories, Illinois  
34 State Training School for Boys, Illinois State Training

1 School for Girls and Reception Centers and all fees per mile  
2 shall be computed on such basis.

3 For conveying any person to or from any of the charitable  
4 institutions of the State, when properly committed by  
5 competent authority, when one person is conveyed, 35¢ per  
6 mile; when two persons are conveyed at the same time, 35¢ per  
7 mile for the first person and 20¢ per mile for the second  
8 person; and 10¢ per mile for each additional person.

9 For conveying a person from the penitentiary to the  
10 county jail when required by law, 35¢ per mile.

11 For attending Supreme Court, \$10 per day.

12 In addition to the above fees there shall be allowed to  
13 the sheriff a fee of \$600 for the sale of real estate which  
14 is made by virtue of any judgment of a court, except that in  
15 the case of a sale of unimproved real estate which sells for  
16 \$10,000 or less, the fee shall be \$150. In addition to this  
17 fee and all other fees provided by this Section, there shall  
18 be allowed to the sheriff a fee in accordance with the  
19 following schedule for the sale of personal estate which is  
20 made by virtue of any judgment of a court:

21 For judgments up to \$1,000, \$75;

22 For judgments from \$1,001 to \$15,000, \$150;

23 For judgments over \$15,000, \$300.

24 The foregoing fees allowed by this Section are the  
25 maximum fees that may be collected from any officer, agency,  
26 department or other instrumentality of the State. The county  
27 board may, however, by ordinance, increase the fees allowed  
28 by this Section and collect those increased fees from all  
29 persons and entities other than officers, agencies,  
30 departments and other instrumentalities of the State if the  
31 increase is justified by an acceptable cost study showing  
32 that the fees allowed by this Section are not sufficient to  
33 cover the costs of providing the service. A statement of the  
34 costs of providing each service, program and activity shall

1 be prepared by the county board. All supporting documents  
2 shall be public records and subject to public examination and  
3 audit. All direct and indirect costs, as defined in the  
4 United States Office of Management and Budget Circular A-87,  
5 may be included in the determination of the costs of each  
6 service, program and activity.

7 In all cases where the judgment is settled by the  
8 parties, replevied, stopped by injunction or paid, or where  
9 the property levied upon is not actually sold, the sheriff  
10 shall be allowed his fee for levying and mileage, together  
11 with half the fee for all money collected by him which he  
12 would be entitled to if the same was made by sale to enforce  
13 the judgment. In no case shall the fee exceed the amount of  
14 money arising from the sale.

15 The fee requirements of this Section do not apply to  
16 police departments or other law enforcement agencies. For  
17 the purposes of this Section, "law enforcement agency" means  
18 an agency of the State or unit of local government which is  
19 vested by law or ordinance with the duty to maintain public  
20 order end to enforce criminal laws.

21 (Source: P.A. 91-94, eff. 1-1-00.)

22 Section 10. The Code of Criminal Procedure of 1963 is  
23 amended by changing Section 110-7 as follows:

24 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

25 Sec. 110-7. Deposit of Bail Security.

26 (a) The person for whom bail has been set shall execute  
27 the bail bond and deposit with the clerk of the court before  
28 which the proceeding is pending a sum of money equal to 10%  
29 of the bail, but in no event shall such deposit be less than  
30 \$25. The clerk of the court shall provide a space on each  
31 form for a person other than the accused who has provided the  
32 money for the posting of bail to so indicate and a space

1 signed by an accused who has executed the bail bond  
2 indicating whether a person other than the accused has  
3 provided the money for the posting of bail. The form shall  
4 also include a written notice to such person who has provided  
5 the defendant with the money for the posting of bail  
6 indicating that the bail may be used to pay costs, attorney's  
7 fees, fines, or other purposes authorized by the court and if  
8 the defendant fails to comply with the conditions of the bail  
9 bond, the court shall enter an order declaring the bail to be  
10 forfeited. The written notice must be: (1) distinguishable  
11 from the surrounding text; (2) in bold type or underscored;  
12 and (3) in a type size at least 2 points larger than the  
13 surrounding type. When a person for whom bail has been set  
14 is charged with an offense under the "Illinois Controlled  
15 Substances Act" which is a Class X felony, the court may  
16 require the defendant to deposit a sum equal to 100% of the  
17 bail. Where any person is charged with a forcible felony  
18 while free on bail and is the subject of proceedings under  
19 Section 109-3 of this Code the judge conducting the  
20 preliminary examination may also conduct a hearing upon the  
21 application of the State pursuant to the provisions of  
22 Section 110-6 of this Code to increase or revoke the bail for  
23 that person's prior alleged offense.

24 (b) Upon depositing this sum, and any bond fee  
25 authorized by law, any fee for committing a prisoner to jail,  
26 and any fee for discharging a prisoner from jail, the person  
27 shall be released from custody subject to the conditions of  
28 the bail bond.

29 (c) Once bail has been given and a charge is pending or  
30 is thereafter filed in or transferred to a court of competent  
31 jurisdiction the latter court shall continue the original  
32 bail in that court subject to the provisions of Section 110-6  
33 of this Code.

34 (d) After conviction the court may order that the

1 original bail stand as bail pending appeal or deny, increase  
2 or reduce bail subject to the provisions of Section 110-6.2.

3 (e) After the entry of an order by the trial court  
4 allowing or denying bail pending appeal either party may  
5 apply to the reviewing court having jurisdiction or to a  
6 justice thereof sitting in vacation for an order increasing  
7 or decreasing the amount of bail or allowing or denying bail  
8 pending appeal subject to the provisions of Section 110-6.2.

9 (f) When the conditions of the bail bond have been  
10 performed and the accused has been discharged from all  
11 obligations in the cause the clerk of the court shall return  
12 to the accused or to the defendant's designee by an  
13 assignment executed at the time the bail amount is deposited,  
14 unless the court orders otherwise, 90% of the sum which had  
15 been deposited and shall retain as bail bond costs 10% of the  
16 amount deposited. However, in no event shall the amount  
17 retained by the clerk as bail bond costs be less than \$5.  
18 Bail bond deposited by or on behalf of a defendant in one  
19 case may be used, in the court's discretion, to satisfy  
20 financial obligations of that same defendant incurred in a  
21 different case due to a fine, court costs, restitution or  
22 fees of the defendant's attorney of record. The court shall  
23 not order bail bond deposited by or on behalf of a defendant  
24 in one case to be used to satisfy financial obligations of  
25 that same defendant in a different case until the bail bond  
26 is first used to satisfy court costs in the case in which the  
27 bail bond has been deposited.

28 At the request of the defendant the court may order such  
29 90% of defendant's bail deposit, or whatever amount is  
30 repayable to defendant from such deposit, to be paid to  
31 defendant's attorney of record.

32 (g) If the accused does not comply with the conditions  
33 of the bail bond the court having jurisdiction shall enter an  
34 order declaring the bail to be forfeited. Notice of such

1 order of forfeiture shall be mailed forthwith to the accused  
2 at his last known address. If the accused does not appear  
3 and surrender to the court having jurisdiction within 30 days  
4 from the date of the forfeiture or within such period satisfy  
5 the court that appearance and surrender by the accused is  
6 impossible and without his fault the court shall enter  
7 judgment for the State if the charge for which the bond was  
8 given was a felony or misdemeanor, or if the charge was  
9 quasi-criminal or traffic, judgment for the political  
10 subdivision of the State which prosecuted the case, against  
11 the accused for the amount of the bail and costs of the court  
12 proceedings; however, in counties with a population of less  
13 than 3,000,000, instead of the court entering a judgment for  
14 the full amount of the bond the court may, in its discretion,  
15 enter judgment for the cash deposit on the bond, less costs,  
16 retain the deposit for further disposition or, if a cash bond  
17 was posted for failure to appear in a matter involving  
18 enforcement of child support or maintenance, the amount of  
19 the cash deposit on the bond, less outstanding costs, may be  
20 awarded to the person or entity to whom the child support or  
21 maintenance is due. The deposit made in accordance with  
22 paragraph (a) shall be applied to the payment of costs. If  
23 judgment is entered and any amount of such deposit remains  
24 after the payment of costs it shall be applied to payment of  
25 the judgment and transferred to the treasury of the municipal  
26 corporation wherein the bond was taken if the offense was a  
27 violation of any penal ordinance of a political subdivision  
28 of this State, or to the treasury of the county wherein the  
29 bond was taken if the offense was a violation of any penal  
30 statute of this State. The balance of the judgment may be  
31 enforced and collected in the same manner as a judgment  
32 entered in a civil action.

33 (h) After a judgment for a fine and court costs or  
34 either is entered in the prosecution of a cause in which a

1 deposit had been made in accordance with paragraph (a) the  
2 balance of such deposit, after deduction of bail bond costs,  
3 shall be applied to the payment of the judgment.

4 (Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00; 92-16,  
5 eff. 6-28-01.)